IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 858 of 1985

Triwal Board Pvt.Ltd. .. Plaintiff

versus

Indian Oil Corporation Ltd. .. Defendant

...

Mr.T.N. Tripathi for the plaintiff.

Mr.Kalpesh Joshi i/b M. Ranchoddas & Co. for the defendants.

CORAM : D.G. KARNIK,J.

DATED : 5th August 2005.

P.C.:

1. Heard learned counsel for the parties.

2. Suit is for recovery of money. The defendants have not filed written statement for nearly 20 years. Hence, suit of the plaintiff is decreed under Order 8 Rule 10 of the Code of Civil Procedure in terms of prayer clauses (a) and (b) with the modification that interest on the sum mentioned in prayer clause (b) would be payable at 9% p.a.

from the date of the suit till payment.

3. The amount if any deposited in the Court is allowed to be withdrawn by the plaintiff for appropriation towards the decree.

D.G. KARNIK, J